

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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SHARON CHASE, as Administratrix of the  
Estate of Nicole Carmen,

Plaintiff,

vs.

THE COUNTY OF SCHENECTADY,  
CORRECTIONAL MEDICAL CARE, INC.,  
EMRE UMAR, MARIA CARPIO, DOMINIC  
D'AGOSTINO, JIM BARRET, RUSSELL  
FRICKE, JEAN BRADT, JOAN KILLEEN,  
CHRYSTAL TRYON, PATRICIA CRAFT,

Defendants.

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**SEALED AFFIRMATION OF**  
**DANIEL R. RYAN, ESQ. IN**  
**PARTIAL SUPPORT OF**  
**PLAINTIFF'S MOTION TO**  
**APPROVE SETTLEMENT OF**  
**WRONGFUL DEATH AND CIVIL**  
**RIGHTS ACTION**

Case No.: 1:14-CV-0474 (DNH/TWD)

DANIEL R. RYAN, ESQ., an attorney duly licensed to practice law before the courts of the State of New York, hereby affirms under penalty of perjury, as follows:

1. I am the attorney for the defendants, Correctional Medical Care, Inc., Emre Umar, Maria Carpio, Jean Bradt, Joan Killeen, Chrystal Tryon and Patricia Craft. As such, I am familiar with the facts and circumstances of this case pursuant to my review of the file maintained by my office. This affirmation is being filed under seal with the court pursuant to settlement agreements reached between the parties.

2. I submit this affirmation in partial support of the plaintiff's motion for approval of the settlement in this action. The above-named defendants fully support plaintiff's application for approval of the settlement in this matter. However, defendants maintain that this is in no way an

admission of liability or responsibility in any manner whatsoever and, to that end, object to and dispute the factual contentions listed by plaintiff's counsel in paragraph "3" and with most portions of paragraph "5" of his Affirmation. Defendants agree that the New York State Commission of Corrections did investigate the death of Ms. Carmen, but did not issue a report regarding her care and treatment provided by Correctional Medical Care, Inc. and its employees.

3. The settlement is entirely appropriate due to the fact that there remain factual contentions in this matter and that liability has not been established. Defendants agree with plaintiff that it is in the best interests of all parties to resolve this matter without further litigation.

4. Defendants take no position with regard to plaintiff's request for the disbursement and approval of attorneys' fees and expenses as outlined in Mr. Keach's affirmation.

5. Lastly, a proposed Release is currently being circulated among the parties which awaits final approval. The Release sets forth the terms of the Settlement Agreement and includes language to the Confidentiality Agreement reached between the parties. Defendants request that final approval of any settlement in this matter be held in abeyance until the defendants receive the signed Release from the plaintiff.

6. For these reasons, and the reasons set forth in the plaintiff's Affirmation in support of the motion to approve settlement in this case, defendants respectfully request that the Court approve this settlement.

**WHEREFORE**, defendants and counsel respectfully request that the court approve the settlement in this litigation.

Dated: November 6, 2015

**SMITH, SOVIK, KENDRICK & SUGNET, P.C.**



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(Bar Roll No.: 513902)  
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November 6, 2015

Honorable David N. Hurd  
United States District Court Judge  
U.S. District Court, Northern District of New York  
Alexander Pirnie Federal Bldg. and U.S. Courthouse  
10 Broad Street  
Utica, NY 13501

Re: Chase v. County of Schenectady  
Case No.: 1:14-CV-0474 (DNH/TWD)

Dear Judge Hurd:

Enclosed please find original Sealed Affirmation of Daniel R. Ryan, Esq. in Partial Support of Plaintiff's Motion to Approve Settlement of Wrongful Death and Civil Rights Action with regard to the above-entitled matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "DRYAN", written over a horizontal line.

Daniel R. Ryan

DRR/cw  
Enclosure

cc: Elmer Robert Keach, III, Esq.  
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